

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

KENNETH L. SHINN

Petitioner,
vs.

UNITED STATES STEEL
CORPORATION

Defendant.

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Case No: 08-

COMPLAINT

NOW COMES Plaintiff's, KENNETH L. SHINN, by and through his attorney,
Greg Roosevelt, Roosevelt Law Office and for his complaint against Defendants,
UNITED STATES STEEL CORPORATION and individually, states as follows;

PARTIES

1. At all relevant times, KENNETH L. SHINN, was, and is a citizen of the Bowling Green, County of Pike, Missouri.
2. At all relevant times, Defendant, UNITED STATES STEEL CORPORATION was, and is a corporation incorporated under the laws of Illinois, with its principle place of business located at 20th & State Street, Granite City Illinois 62040 is a citizen of the State of Illinois and located in the Southern District of Illinois.

**GENERAL ALLEGATIONS
COMMON TO ALL COUNTS**

3. At all relevant times, KENNETH L. SHINN was a maintenance Industrial Mechanic for UNITED STATES STEEL CORPORATION.

4. At all relevant times, UNITED STATES STEEL CORPORATION was, and is, an integrated steel producer.

5. In June, 1995 Plaintiff, KENNETH L. SHINN was hired by Defendant, UNITED STATES STEEL CORPORATION as a Maintenance Industrial Mechanic

6. The Plaintiff, KENNETH L. SHINN was diagnosed in January 2003 with Hodgkin's lymphoma, a cancer, by Dr. John DiPersio, MD, PhD, of the Siteman Cancer Center in St. Louis Missouri.

7. In February 2003, Plaintiff, KENNETH L. SHINN became ill and was unable to work. Plaintiff received chemotherapy and was off work for 11 months. Plaintiff returned to work on November 17, 2003 without restriction after being cleared by his physician, Dr. John DiPersio.

8. In December 2003, Plaintiff went on medical leave for preparation for Stem Cell transplant and was on medical leave for most of 2004.

8. In June, 2004, Plaintiff, KENNETH L. SHINN, underwent a Stem Cell transplant in an effort to cure his illness.

9. Plaintiff went to work off and on in 2005 and remained on the leave.

10. In November 29, 2005 Plaintiff went on medical leave in preparation for a second stem cell transplant in December 2005.

11. In October 31, 2006 Plaintiff's Doctor, Dr. John DiPersio, MD, PhD, released Plaintiff to work with no restrictions.

12. On November 2, 2006 Plaintiff took his doctors release and gave it to Defendant's Doctor, Jay K. Parker, MD who stated to him that he could not make the final

decision that he could returned to work, but that the decision had to be made by a committee at the corporate office in Pittsburg.

13. On November 16, 2006, Defendant's Doctor, Dr. Jay K. Parker, contacted Plaintiff and advised him that that he could not return to work because there was no work available for him.

14. Plaintiff's supervisor, Eric Brannon, stated to him that there was light duty available but he didn't have the final decision to order him back to work.

15. On November 20, 2006 Plaintiff's Physician, Dr. John DiPersio, MD, PhD, released Plaintiff for light duty and sedentary jobs.

16. Plaintiff gave Defendant's doctor, Dr. Jay K. Parker, his November 20th work release for light duty.

17. Approximately 2 week later Dr. Parker again contacted Plaintiff and told him that there was no work available.

18. In December 2006, Dr. John DiPersio, MD, PhD, wrote a letter releasing Plaintiff to work with no restrictions. Plaintiff immediately provided another letter to defendant.

19. In January 10, 2007 Dr. Parker contacted Plaintiff and advised him that he could not return to work because he was a "risk to the company and they did not want that responsibility".

20. Plaintiff has been wrongfully considered disabled and discriminated against by the Defendant for his perceived disability, refusing to allow Plaintiff to return to work on full or light duty thus causing Plaintiff to lose wages and benefits and inflict severe emotional distress over the inability to return to a gainful work life.

DATED THIS 13th day of November, 2008

Respectfully submitted on behalf of
Kenneth L. Shinn, Plaintiff

/s/ Greg Roosevelt

Greg E. Roosevelt, #02375427

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